

IN THE DISTRICT COURT IN AND FOR EMERY COUNTY, STATE OF UTAH

INDEPENDENT CANAL & RESERVOIR COMPANY,
a Corporation, et al,

Plaintiffs,

vs.

EMERY CANAL & RESERVOIR COMPANY,
a Corporation, et al,

Defendants,

and

WAYNE D. CRIDDLE, STATE ENGINEER,

Third Party Def.,

Civil No. 216

O R D E R

The above matter came on regularly for hearing on plaintiffs' Motion for the appointment of a water commissioner on Muddy Creek and for an order directing the installation of adequate measuring devices. Plaintiff was represented by its attorneys, Frandsen and Koller; defendant, Emery Canal & Reservoir Company, was represented by its attorney, T. E. Jensen; the State Engineer, third party defendant, was represented in person by Donald C. Norseth, one of his deputies. Statements were made to the court by counsel and by the Deputy State Engineer and the parties stipulated before the court that the Order hereinafter set forth could be entered in this cause, and good cause appearing therefor,

IT IS HEREBY ORDERED:

1. That Homer Edwards of Moore, Utah be, and he is hereby appointed as water commissioner for the current irrigation season to distribute the waters of Muddy Creek in Emery County, Utah to the parties entitled thereto, and he shall work and cooperate with the State Engineer and his representatives in making such distribution; he shall serve without giving bond and shall be responsible directly to the court for the accurate distribution of said water.

2. Two-thirds of the compensation and expenses of said water commissioner shall be paid by Emery Canal & Reservoir Company and one-third by Independent Canal & Reservoir Company; provided, however, that as to the compensation and expenses involved in measuring the reservoir, the water which is owned solely by the plaintiff, the parties hereto shall get together and arrive at a fair distribution of the costs of measuring said reservoir water to be paid by each. If they cannot agree upon such distribution of cost, then this matter as it pertains to the reservoir water shall be referred to the court to make a determination.

3. The parties hereto and Homer Edwards, as water commissioner, shall arrive at a fair compensation and expense and mileage allowance to be paid to him and shall agree when and at what intervals the same shall be paid.

DATED this _____ day of June, 1960.

Heller
District Judge